



Virginia
Regulatory
Town Hall

Exempt Action Final Regulation Agency Background Document

Agency Name:	Commonwealth Transportation Board (Virginia Department of Transportation)
VAC Chapter Number:	24 VAC 30-380-10
Regulation Title:	Public Hearings for the Location and Design of Highway Construction Projects
Action Title:	APA-Exempt Amendment
Date:	8/23/00

Where a regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file the final regulation with the Registrar in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

Note agency actions exempt pursuant to § 9-6.14:4.1(B) do not require filing with the Registrar a Notice of Intended Regulatory Action, or at the proposed stage. When the regulation is promulgated and submitted to the Registrar, the agency need only provide a statement citing the specific Virginia Code section referencing the exemption and an authority certification letter from the Attorney General's Office. No specific format is required.

This form should be used for actions **exempt from the Administrative Process Act pursuant to § 9-6.14:4.1(C)** at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar a Notice of Intended Regulatory Action, and at the proposed stage.

Summary

Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This regulation lists the general criteria and procedures VDOT follows to solicit public comments concerning the location and design of proposed highway construction projects. It discusses the rules VDOT will follow in implementing the public hearing policy, the types of

hearings held for specific types of projects depending on the system (interstate, primary, urban, etc.), projects for which public hearings are not required, and waivers to the public hearing policy.

In the latest review, VDOT amended text of the existing regulation to eliminate subjectivity (e.g., words like “extensive,” “rural,” or “urban or suburban”), update the statutory references to the Code of Virginia to include § 51.5-40 (non-discrimination to the disabled in providing public comment to the hearings covered by the regulation) and include an issue date for the *VDOT Public Involvement Policy and Procedure Manual*. The *VDOT Public Involvement Policy and Procedure Manual* accompanying the regulation was last revised in 1999 to update statutory references, as well as respond to recommendations made by the Joint Legislative Audit and Review Commission (JLARC), who reviewed the public hearing process for construction projects in 1998. In addition to the manual, VDOT also develops project-specific material for dissemination to citizens in communities impacted by the project.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

VDOT amended the regulation entitled *Public Hearings for the Location and Design of Highway Construction Projects* on August, 23, 2000, upon signature by the Deputy Commissioner and submittal to the Registrar. Under the rules established in *the Registrar's Form, Style, and Procedure Manual*, regulations exempt from the APA under the provisions of § 9-6.14:4.1 B become effective upon filing, so the amended regulation will become effective upon receipt by the Registrar. VDOT expects the regulation will be published in *The Virginia Register* in mid-September of 2000.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

This regulation has no effect on the institution of the family and family stability, outside of identifying policies and procedures through which families may receive information on the proposed location and design of a new or improved highway facility, and provide their input to VDOT and the CTB concerning the appropriateness of such decisions. This information would be valuable to formulating the “quality of life” issues that a family considers in deciding where to live. No other factors identified above are affected by the regulation.